

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHRISTOPHER MCCROBIE,

Civil Action No. 15-cv-00018-JTC

Plaintiff,

**DECLARATION OF GLENN M.
FJERMEDAL**

-against-

PALISADES ACQUISITION XVI, LLC,
HOUSLANGER & ASSOCIATES, PLLC
AND TODD HOUSLANGER,

Defendants.

Glenn M. Fjermedal, Esq., declares under penalty of perjury pursuant to 28 U.S.C. § 1746, that:

1. I am a member of the law firm of Davidson Fink LLP, attorneys for Defendants Houslanger & Associates, PLLC (“H&A”) and Todd Houslanger, Esq. (collectively, “Houslanger Defendants”) in the above-entitled action. As such, I am fully familiar with the facts and circumstances of this matter.

2. I make this Declaration in further opposition to Plaintiff Christopher McCrobie’s (“Plaintiff”) Motion for Leave to Amend his Complaint (“FAC”). I respectfully request that this court take judicial notice of the pleadings and filings in the related Centurion Capital Corporation Assignee of Providian Financial Co. v. Christopher McCrobie lawsuit pending in Buffalo City Court with Index No. 007295-06 (“State Court Action”).

3. Attached as **Exhibit A** is a copy of the underlying Summons & Complaint filed on August 10, 2006 in the State Court Action.

4. Attached as **Exhibit B** is a copy of the Affidavit of Service filed with the Buffalo City Court on March 8, 2007 in the underlying State Court Action.

5. Attached as **Exhibit C** is a copy of the default application dated February 28, 2007 filed with the Buffalo City Court in the underlying State Court Action.

6. Attached as **Exhibit D** is a copy of the underlying default judgment entered by the Clerk of the Buffalo City Court on March 9, 2007 in the underlying State Court Action.

7. Attached as **Exhibit E** is a copy of Houslanger's individual debt validation letter dated December 20, 2012.

8. Attached as **Exhibit F** is a copy of the Consent to Change Attorney Houslanger Defendants filed with the Buffalo City Court on January 2, 2013 in the underlying State Court Action.

9. Attached as **Exhibit G** is a copy of the Buffalo City Marshall's Income Execution notice letter sent to Plaintiff on September 10, 2014 and Plaintiff's employer United Materials on October 8, 2014 which was not returned as undeliverable.

10. Attached as **Exhibit H** is a copy of the underlying Buffalo City Court Motion to Vacate Judgment with exhibits dated September 3, 2015, Opposition dated September 14, 2015 and Reply dated September 18, 2015 filed in the underlying State Court Action.

11. Attached as **Exhibit I** is a copy of the underlying Buffalo City Court Order to Show Cause to Quash Subpoena with Exhibits dated October 15, 2015, Affirmation in Opposition dated October 20, 2015 and Reply Briefings dated October 22, 2015 filed in the underlying State Court Action.

12. Attached as **Exhibit J** is a copy of the Buffalo City Court's Memorandum and Order issued February 2, 2016 in the underlying State Court Action which was subsequently vacated as set forth in **Exhibit M**.

13. Attached as **Exhibit K** is a copy of a letter dated February 25, 2016 from Houslanger Defendants to Plaintiff's counsel returning all garnished monies to Plaintiff.

14. Attached as **Exhibit L** is a copy of the Motion to Reargue dated March 3, 2016, Opposition dated April 1, 2016 and Reply dated April 11, 2016 filed in the underlying State Court Action.

15. Attached as **Exhibit M** is a copy of the underlying Buffalo City Court Order, dated October 6, 2016, vacating the February 2, 2016 Order **Exhibit J** in the underlying State Court Action.

16. Attached as **Exhibit N** is a copy of the underlying Buffalo City Court Decision and Order, dated May 22, 2017, vacating the October 15, 2015 Order to Show Cause in the underlying State Court Action.

17. Attached as **Exhibit O** is a copy of the Notice of Entry with Judge Betty Calvo-Torres's Order dated April 26, 2018, denying McCrobie's Motion to Reargue in the underlying State Court Action.

18. Attached as **Exhibit P** is a copy of McCrobie's Notice of Appeal of the Buffalo City Court's Order dated June 22, 2017.

19. Attached as **Exhibit Q** is a copy of the Buffalo City Court Order dismissing the Notice of Appeal **Exhibit P** in the underlying State Court Action.

20. For the reasons set forth in Houslanger Defendants' Memorandum of Law, Plaintiff's Motion to Amend should be denied in its entirety.

I declare under the penalty of perjury, under the laws of the State of New York that the foregoing is true and correct.

DATED: April 25, 2019
Rochester, New York

/s/: Glenn M. Fjermedal
Glenn M. Fjermedal, Esq.
DAVIDSON FINK LLP
Attorneys for Defendants
Houslanger & Associates PLLC
and Todd Houslanger, Esq.
28 East Main Street, Suite 1700
Rochester, New York 14614
Telephone: (585) 546-6448